**DECLARATION - USA PATENT APPLICATION**

a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **IMIDAZOLE DERIVATIVES FOR TREATMENT OF ALLERGIC AND HYPERPROLIFERATIVE DISORDERS**; the specification of which is attached hereto;

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Codes § 119(e) of any United States provisional application(s) listed below.

Application No.: **60/462,090**

Filing Date: **April 10, 2003**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

-----  
Full name of first inventor: **Jagadish C. Sircar**

Inventor's signature

Jagadish C. Sircar

Date

April 12, 2004

Residence: **4832 Riding Ridge Road, San Diego, CA 92130**

Citizenship: **USA**

Post Office Address: **Same as Above**

Full name of second inventor: **Richard J. Thomas**

Inventor's signature

*Richard J. Thomas*

Date

*4/12/04*

Residence: **12627 Sarsaparilla St., San Diego, CA 92129**

Citizenship: **USA**

Post Office Address: **Same as Above**

Full name of third inventor: **Mark L. Richards**

Inventor's signature

*Mark L. Richards*

Date

*4-15-04*

Residence: **11042 W. Ocean Air Dr. #345, San Diego, CA 92130**  
~~**8532 B Via Mallorca, La Jolla, CA 92037**~~

Citizenship: **USA**

Post Office Address: **Same as Above**

Full name of fourth inventor: **Haripada Khatuya**

Inventor's signature

*Haripada Khatuya*

Date

*04/12/2004*

Residence: **13624 Via Cima Bella, San Diego, CA 92129**

Citizenship: **India**

Post Office Address: **Same as Above**

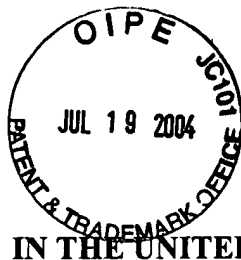
Send Correspondence To:

**KNOBBE, MARTENS, OLSON & BEAR, LLP**

**Customer No. 20,995**

AVANIR.124A

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Jagadish C. Sircar, et al.	)
			)
App. No.	:	Unknown	)
			)
Filed	:	Herewith	)
			)
For	:	<b>IMIDAZOLE DERIVATIVES FOR TREATMENT OF ALLERGIC AND HYPERPROLIFERATIVE DISORDERS</b>	)
			)
Examiner	:	Unknown	)
			)

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION  
AND  
REVOCATION AND POWER OF ATTORNEY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventors to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventors to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 2040 Main Street, Fourteenth Floor, Irvine, California 92614, Telephone (949) 760-0404, **Customer No. 20,995**, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected

App. No. : Unknown  
Filed : Herewith

herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

AVANIR PHARMACEUTICALS

Dated: \_\_\_\_\_

4/15/04

By: \_\_\_\_\_

Jagadish C. Sircar

Title: Vice President Drug Discovery

Address: 11388 Sorrento Valley Road, Suite 200  
San Diego, CA 92121

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040804

Application No.: Unknown  
Filing Date: Herewith

COPY

PATENT  
Client Code: AVANIR.124A  
Page 1

ASSIGNMENT

WHEREAS, We, Jagadish C. Sircar, a United States of America citizen, residing at 4832 Riding Ridge Road, San Diego, CA 92130; Richard J. Thomas, a United States of America citizen, residing at 12627 Sarsaparilla St., San Diego, CA 92129; Mark L. Richards, a United States of America citizen, residing at ~~8532~~ 11042 ~~B Via Mallorca, La Jolla, CA 92037~~; and Haripada Khatuya, a citizen of India, residing at 13624 Via-Cima Bella, San Diego, CA 92129, have invented certain new and useful improvements in a **IMIDAZOLE DERIVATIVES FOR TREATMENT OF ALLERGIC AND HYPERPROLIFERATIVE DISORDERS**; for which we have executed an application for Letters Patent in the United States, on even date herewith;

AND WHEREAS, AVANIR PHARMACEUTICALS (hereinafter "ASSIGNEE"), a California Corporation, with its principal place of business at 11388 Sorrento Valley Road, Suite 200, San Diego, CA 92121, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, his successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, his successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, his successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, his successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 12 day of April, 2004.

Jagadish C. Sircar  
Jagadish C. Sircar

STATE OF California }  
COUNTY OF San Diego } ss.

On April 12, 2004, before me, Jennifer Y. Kimb, Notary Public, personally appeared Jagadish C. Sircar personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Jennifer Y. Kimb  
Notary Signature

COPY

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 12 day of April, 2004.

COPY

Richard J. Thomas  
Richard J. Thomas

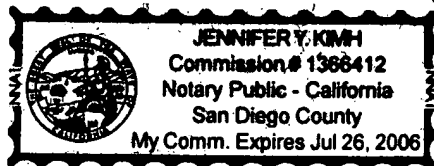
STATE OF California  
COUNTY OF San Diego

SS.

On April 12, 2004, before me, Jennifer Y. Kimh, Notary Public, personally appeared **Richard J. Thomas** personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Jennifer Y. Kimh  
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 15 day of April, 2004.

Mark L. Richards  
Mark L. Richards

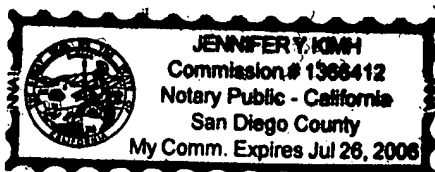
STATE OF California  
COUNTY OF San Diego

SS.

On April 15, 2004, before me, Jennifer Y. Kimh, Notary Public, personally appeared **Mark L. Richards** personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Jennifer Y. Kimh  
Notary Signature

COPY

COPY

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 12th day of April, 2004.

Haripada Khatuya  
Haripada Khatuya

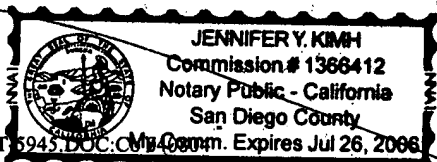
STATE OF California  
COUNTY OF San Diego

SS.

On April 12, 2004, before me, Jennifer Y. Kimh, Notary Public, personally appeared **Haripada Khatuya** personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



HADOCS\CCT\CCT 5945.DOC.CM 4004

Jennifer Y. Kimh  
Notary Signature



COPY